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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,484	02/12/2004	Bruce Bonaceto	NA-1238	8070

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U.S. Army Soldier Systems Center
15 Kansas Street
Natick, MA 01760

EXAMINER

SWIATEK, ROBERT P

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,484

Applicant(s)

BONACETO, BRUCE

Examiner

Robert P. Swiatek

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MS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-12-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winker et al. (US 3,331,573) in view of Frieder (US 3,252,676). Figure 7 of Winker et al. discloses a parachute formed from a set of first spaced, parallel strips 35, 36 crossing a set of second spaced, parallel strips 41, 42. Suspension lines 37-40 extend from the ends of each strip; the strips are disclosed as being constructed from non-fibrous thermoplastic material, which can be reinforced by a fabric backing. It would have been obvious to one skilled in the art to construct the sets of strips of Winker et al. from nylon fabric material, in view of the teaching of Frieder that such material combines high strength with deterioration resistance (see column 8, lines 27-30, of Frieder). As to claims 2-4, 10, 11, the precise tear resistance and dimensions of the strips would have been obvious to one skilled in the art seeking to produce a durable, easily manufactured product.

Claims 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winker et al. in view of Frieder as applied to claim 1 above, and further in view of Mitchell (US 3,531,067). While the suspension lines of the combination parachute do not include separate, tied portions, it would have been obvious in view of the Mitchell patent (see Figure 1 and

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elements 43 of Mitchell) to employ separate lines tied to the suspension lines of the combination Winker et al. as modified by Frieder, in order to permit the parachute to be easily attached to any of a number of loads (and subsequently decoupled, if need be).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winker et al. in view of Frieder as applied to claim 1 above, and further in view of Jones (US 4,664,342). The parachute of the combination Winker et al. as modified by Frieder lacks load spreaders and D-rings in conjunction with its cargo. It would have been obvious to one skilled in the art to employ load spreaders with the parachute of the combination Winker et al. as modified by Frieder, in view of the teaching of Jones that load spreaders maintain parachute suspension lines in a spaced-apart configuration (see element 25 and column 2, lines 39-45, of Jones). Use of D-rings with the cargo rigging also would have been obvious to one skilled in the art wishing to further simplify the cargo attachment process.

Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Winker et al. Panels 35, 36, 41, 42 of Winker et al. are considered to be highly tear resistant; suspension lines 37-40 are integrally fixed to free ends of the panels.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winker et al. in view of Mitchell. It would have been obvious to one skilled in the art to tie separate lines to the suspension lines of the Winker et al. parachute, as taught by Mitchell (see elements 43 of Mitchell), in order to permit the parachute to be easily attached to (or subsequently uncoupled from) its cargo.

Claims 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winker et al. While the panels 35, 36, 41, 42 of Winker et al. can be heat-sealed together (see column 4,

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lines 52-54), to employ stitching instead would have been obvious to one skilled in the art wishing to provide a more robust interconnection. As to claim 18, the use of polypropylene, rather than polyethylene, from which to make the panels also would have been obvious to one skilled in the art seeking to increase panel durability.

Claims 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 15, line 15, "each free end of each strip" lacks a prior antecedent basis.

The disclosure is objected to because of the following informalities: On page 7, lines 12, 16, 20, 23, the term "decent" is a misspelling.

Appropriate correction is required.

The patent to Downing (US 3,127,137) has been cited to provide an additional example of a parachute construction.

RPS: ©703/308-2700
9 December 2004

Robert P. Swiatek

ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT ~~333~~ 3643